

Senate Bill 5

By: Senator Hill of the 32nd

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding drivers' licenses, so as to provide that the Department of Driver Services is authorized to enter into contracts for the provision of radio frequency identification tags with drivers' licenses or identification cards; to provide for fees for such items; to provide for a waiver of liability; to prohibit the use of such items to improperly access a person's personal information; to provide for a penalty; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions regarding drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-9.

(a) The department shall be authorized to enter into contractual arrangements to provide an individual who is issued a Georgia driver's license or identification card to either have enclosed within or attached to the actual license itself or in a sleeve in which the license may be enclosed a radio frequency identification (RFID) tag which shall contain a unique identifying number. The individual to whom the license or identification card is issued shall then be able to associate such unique identifying number with a privately maintained medical records data base if the individual so chooses. The license or sleeve shall bear a distinctive mark or symbol to show clearly that such license or sleeve contains a RFID tag.

(b) The department is authorized to charge a reasonable fee for the addition or inclusion of such RFID tag to the driver's license or identification card.

(c) By accepting such RFID tag, the individual to whom the driver's license or identification card is issued shall waive any liability on the part of the department or the

26 state and its officers and agents for the misuse of such RFID tag or its unique identification
27 number.
28 (d) It shall be illegal for any person to use such RFID tag or the unique identification
29 number associated with such RFID tag to knowingly and willfully access an individual's
30 personal information without such individual's permission or authorization. It shall also
31 be illegal for any person to sell or transfer an individual's personal information associated
32 with such RFID tag or unique identification number without the express permission of such
33 individual. Violation of this subsection shall be a felony punishable by not less than one
34 nor more than ten years' imprisonment, a fine of not more than \$100,000.00, or both."

35 **SECTION 2.**

36 All laws and parts of laws in conflict with this Act are repealed.